

FAIRFAX COUNTY

SPECIAL PERMIT APPLICATION PACKAGE

Revised June 26, 2003

Section 8-001 of the Zoning Ordinance states that there are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land. These uses, described as special permit uses in the Zoning Ordinance, may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special permit approved by the Board of Zoning Appeals.

The Board of Zoning Appeals (BZA) may approve a special permit under the provisions of Article 8 of the Zoning Ordinance, when it concludes that the proposed use complies with all specified standards and that such use will be compatible with existing and/or planned development in the general area. In addition, in approving a special permit, the BZA may impose conditions and restrictions to ensure that the standards will be met. Where such cannot be accomplished, or it is determined that the use is not in accordance with all applicable standards of the Zoning Ordinance, the BZA shall deny the special permit.

Special permit uses are categorized into nine groups as listed below. A complete listing of the specific special permit uses included within each group is included in Attachment 2.

Group 1 - Extraction and Excavation Uses

Group 2 - Interment Uses

Group 3 - Institutional Uses

Group 4 - Community Uses

Group 5 - Commercial Recreation Uses

Group 6 - Outdoor Recreation Uses

Group 7 - Older Structures

Group 8 - Temporary Uses

Group 9 - Uses Requiring Special Regulations

In order to request approval of a special permit by the Board of Zoning Appeals, an application must be filed with the County by the owners, lessee, or contract purchasers of the land, or their designated agents. A special permit must meet specific submission requirements, including provision of a fee and an affidavit, as set forth in the Fairfax County Zoning Ordinance. This package contains a listing of the submission requirements (Attachment 1), special permit standards (Attachment 2), a fee schedule (Attachment 3), a four-part application form (Attachment 4), and an affidavit form (Attachment 5) for use in filing such an application. Also provided is a checklist which may be used to ensure that all required elements are included in an application submission (Attachment 6). With the use of this checklist form, applications which are certified as complete will be processed on a priority basis.

SUBMISSION REQUIREMENTS. A synopsis of the submission requirements for an application for a special permit, pursuant to Section 8-011 of the Fairfax County Zoning Ordinance, is presented as Attachment 1 of this package. In general, the submission requirements include an application form, a plat of the property showing existing and proposed uses, a tax map section sheet, photographs of the property, an affidavit disclosing ownership and other interests in the property, a written statement describing the proposed use, owner concurrence in the application, any applicable overlay district information, and a fee. In addition to these general submission requirements, specific additional or modified submission requirements are contained in the Zoning Ordinance in Sections 8-103, 8-305, 8-503, 8-603, 8-913, 8-914, and 8-917 for certain special permit groups and uses.

Special permits must meet a series of standards as specified in the Zoning Ordinance in order to be approved by the BZA. All special permits must meet the general standards specified in Section 8-006 and the standards specified for each special permit group in Sections 8-105, 8-203, 8-303, 8-403, 8-503, 8-603, 8-703, and 8-903, respectively. Copies of the general and group standards are presented in Attachment 2.

For many special permits, additional standards which must also be met are specified in the Zoning Ordinance for the particular use. Although there are too many special permit uses for which to include such standards in this general publication, home child care facilities and riding and boarding stables, are examples of special permit uses for which additional standards are specified. Please refer to the Zoning Ordinance or request a copy of the additional standards for your particular use from the Zoning Evaluation Division, Department of Planning and Zoning at (703) 324-1290.

All of the standards which are applicable to a particular use should be considered in the filing of a special permit application. In the processing of an application, it is the applicant's responsibility to demonstrate that a proposed use meets all applicable standards.

WHERE TO SUBMIT. Special permit applications may be submitted by mail or hand-carried to the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, VA 22035.

ASSISTANCE. For assistance in the filing of a special permit application, other information on the application process, clarification of these instructions, or to set up a presubmission meeting to discuss a potential submission or for help with a submission, please call the Zoning Evaluation Division at (703) 324-1290.

HELPFUL HINTS. The following "Helpful Hints" are provided to assist in the filing of a special permit application.

- Each application should be considered as a "package" which includes all required elements when submitted. Submission of elements individually, rather than as an overall package, typically increases the time it takes to accept the application.
- Each applicant should designate a "single point of contact" who will be responsible for the application. This may be the applicant, attorney, engineer, property owner, or other member of the application team.
- The application package should be reviewed for correctness and completeness prior to submission, and to ensure that all parts are coordinated.
- Submitted special permit plats should be folded so that they fit into an overall application package.
- All information, including any supplemental information which may be submitted, should be clearly marked to reference the specific application.

A form is presented in Attachment 6 to assist you with the compilation of an application package. The form is a checklist designed to ensure all application submission elements are included in the application package. The form needs to be signed by an applicant or designated agent and should be prominently displayed on top of your submission. With the use of this form, applications which are certified as complete will be processed on a priority basis.

APPLICATION ACCEPTANCE. Once an application is submitted, it is reviewed for completeness by County staff. An application must be complete before it is officially accepted by the County. If an application is incomplete, a letter specifying the deficiencies will be mailed to the designated agent (or applicant if no designated agent is listed). Once complete, the application is accepted and an acceptance letter is sent to the designated agent or applicant. The application is then assigned to a staff coordinator and distributed to various Departments for their review.

STAFF REVIEW PROCESS. Upon acceptance of a special permit application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance, and to assess its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division who will provide staff comments on the request to the applicant, or the applicant's agent, and will facilitate the resolution of any issues which may be identified. Generally, two staffing milestone dates are scheduled during the review of an application, at which time staff comments are synthesized and subsequently presented to the applicant/agent. The staff coordinator will provide all applicants with a schedule and deadlines for the submission of any revised or additional information which may be submitted during the course of the processing of an application. A written staff report will be prepared documenting the analysis of each application, and presenting a recommendation to the Board of Zoning Appeals. The staff report is generally published one week prior to the Board of Zoning Appeals' public hearing.

PUBLIC HEARINGS. A public hearing before the Board of Zoning Appeals is required for all special permit applications. Applications will be scheduled in the order in which they are accepted, no more than 90 days following the acceptance date.

NOTIFICATION. During the application process, and prior to the public hearing, the applicant/agent will be required to send written notice to the property owners of each parcel of land included within a special permit application and to all property owners adjacent to the subject property and immediately across the street from the subject property. If such notice does not result in the notification of 10 different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than 10 properties. A package will be sent by the County to the applicant/agent approximately 30 days prior to the public hearing, which contains instructions on how to complete the notification process. Please call the Special Permit/Variance Branch of the Zoning Evaluation Division at (703) 324-1280 if you have any questions when you receive the notification package. It is extremely important that these instructions are followed exactly. Please see Section 18-110 of the Zoning Ordinance for additional information on required notification.

EXPIRATION OF AN APPROVED SPECIAL PERMIT. Whenever a special permit is approved by the BZA, the activity authorized thereby shall be established or any construction authorized shall be commenced and diligently prosecuted within such time as the BZA may have specified, or, if no such time has been specified, then, within thirty (30) months from the approval date of such special permit, the special permit shall expire, without notification by the County, pursuant to Paragraph 1 of Section 8-015 of the Zoning Ordinance, unless additional time is approved by the BZA. The procedure to request additional time is listed in Paragraph 2 of Section 8-015 of the Zoning Ordinance.

AMENDMENTS. The instructions above are also applicable to applications to amend a previously approved special permit.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

SYNOPSIS OF THE SUBMISSION REQUIREMENTS
FOR SPECIAL PERMIT APPLICATIONS

Submission Requirements

All applications for special permit uses, except for temporary special permits which are approved administratively through the Zoning Permit Plan Review Branch of the Department of Planning and Zoning, must be accompanied by the following nine (9) items, pursuant to Section 8-011 of the Zoning Ordinance. Additional or modified submission requirements are also set forth in the Zoning Ordinance for Extraction and Excavation Uses, for Home Child Care Facilities, for certain Commercial Recreation and Outdoor Recreation Uses, and for the Approval of Modifications to Minimum Yard Requirements for Certain R-C Lots, the Approval of a Reduction in the Minimum Yard Requirements Based on Error in Building Location and Modification to the Limitations on the Keeping of Animals.

1. An application form completed and signed by the applicant.
2. Twenty-two (22) copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½ x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. All scaled dimensions shall be presented in English units. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the location, dimensions and lighting of all signs, and the construction date(s) of all existing structures and an indication whether they will be retained or demolished.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional yards, and the distances from all existing and proposed structures to lot lines.
 - F. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
 - G. Proposed means of ingress and egress to the property from a public street(s).
 - H. Location of parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11 of the Zoning Ordinance.
 - I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.

- J. Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
 - K. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.
 - L. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is air survey or field run.
 - M. A plan showing limits of clearing, existing vegetation, and proposed landscaping and screening in accordance with the provisions of Article 13, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
 - N. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - O. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.
 - P. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - Q. Location of all trails required by the adopted comprehensive plan.
 - R. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
 - S. Seal and signature of professional person certifying the plat.
3. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the site must be outlined in red.
 4. Photographs of the property showing existing structures, terrain and vegetation.
 5. An affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided in this application package, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the BZA or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form.

6. A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:
 - A. Type of operation(s).
 - B. Hours of operation.
 - C. Estimated number of patrons/clients/patients/pupils/etc.
 - D. Proposed number of employees/attendants/teachers/etc.
 - E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
 - F. Vicinity or general area to be served by the use.
 - G. Description of building facade and architecture of proposed new building or additions.
 - H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste, as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
 - I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
7. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in the property. If the applicant is not the owner of the property, evidence must be submitted showing that the applicant will have the right to use the property as proposed.
8. Where applicable, any other information as may be required for Overlay Districts (Article 7 of the Zoning Ordinance). The Overlay Districts are: Historic Overlay District, Natural Resource Overlay District, Airport Noise Impact Overlay District, Sign Control Overlay District, Highway Corridor Overlay District, and Water Supply Protection Overlay District.
9. An application fee as shown on the fee schedule set forth in Attachment 3.

A proposed special permit use must be in conformance with the general standards and the specific group standards listed in Attachment 2. Additional standards for a particular special permit use may also be required by the Zoning Ordinance.

It is the applicant's responsibility to show that the proposed use complies with all Zoning Ordinance requirements related to the use.

GENERAL STANDARDS AND GROUP STANDARDS

A. General Standards

Il special permit uses shall satisfy the following general standards pursuant to Section 8-006 of the Zoning Ordinance:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the BZA may impose more strict requirements for a given use than those set forth in this Ordinance.

B. Group Standards.

The following standards for each special permit group must be met, as applicable. Individual uses within a group may also have additional required standards that are not listed in this application package. Please refer to the Zoning Ordinance for additional standards for a particular use or contact the Zoning Evaluation Division, DPZ, at 324-1290.

Group 1 - Extraction and Excavation Uses

Removal of sand, gravel, soil, or material other than those specifically enumerated in the Zoning Ordinance by excavating, stripping, dredging, mining or otherwise taking, and including or not including the treating, crushing, or processing of the same; Stone quarrying. Pursuant to Section 8-105 in the Zoning Ordinance, in addition to the general standards, all Group 1 special permit uses shall satisfy the following standards:

1. No permit for a Group 1 use shall be issued for any tract of land containing less than twenty (20) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing Group 1 use onto contiguous land containing less than twenty (20) acres.
2. With the exception of stone quarrying and related grading activity, no grading, mining, excavating, removal of trees or other disturbance of natural vegetation shall be permitted within 200 feet of contiguous property subdivided into residential lots of one (1) acre or smaller not under the ownership or control of the applicant, nor within 250 feet of an occupied dwelling.

Exceptions to the setbacks established above for all uses except stone quarrying may be granted by the BZA subject to compliance with the following:

- A. The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment, and
 - B. The ultimate grades of the proposed encroachment will be suitable for future development of the property in accordance with the adopted comprehensive plan for that area.
3. All natural resource extraction, quarrying and related operations shall be in conformance with the provisions of Sect. 2-603, Erosion and Sedimentation Control Regulations, in the Zoning Ordinance, relating to erosion and sedimentation.
 4. No building or structure used in connection with such an operation, except buildings for office and administrative purposes only, shall be located within 200 feet of (a) the right-of-way of any public street or (b) any adjoining property. Buildings devoted solely to office and/or administrative uses may be constructed not less than 100 feet from such street or property line when specifically approved as part of the special permit.
 5. In conjunction with all Group 1 uses except stone quarrying, no washing, crushing, processing or similar operation shall be conducted within 200 feet of (a) the right-of-way line of any public street or (b) any adjoining residential property.
 6. In conjunction with a stone quarry, no washing, crushing, processing or similar operation shall be conducted within 200 feet of the right-of-way of any public street or a safe distance to be established by the BZA from any adjoining occupied dwelling. No stone quarrying or related grading activity, except restoration work, shall be permitted within 150 feet of contiguous property subdivided into residential lots of one (1) acre or smaller, not owned or controlled by the applicant, or the right-of-way of any public street.

Exceptions to the setbacks established above may be granted by the BZA subject to compliance with the following:

The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment.

7. The setback requirements of Par. 4 and 6 above shall not apply to quarries or quarry related uses existing prior to the effective date of this Ordinance nor to extensions granted therefore.
8. The top of all open excavations having a depth of ten (10) feet or more, which will create a slope of forty-five (45) degrees or more from the horizontal and which shall remain for a period of more than twenty-four (24) hours, shall be enclosed by a substantial fence erected at least fifty (50) feet outside the excavation. Such fence shall be not less than six (6) feet in height, and shall effectively control access to such excavation.

9. All operations shall be limited to the hours of 7 AM to 6 PM provided however the BZA may modify the hours to permit loading and delivery after 6 PM, upon a determination that such modification will not adversely impact the surrounding area.
10. All settlement ponds used in connection with an operation, except those entirely within a fenced area required by Par. 8 above, shall be fenced with at least a six (6) foot chain link fence having an 18" to 24" arm above the chain link fence with at least three (3) strands of barbed wire - four barb, equipped with a locked gate at all access points.
11. All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.
12. Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the roadside setback.

The type, time of planting, design and spacing of planting screen shall be approved by the Director. Approval of maintenance of roadside landscape area by the Director shall be required for permit extension and permit renewal.

The function of the roadside landscape area is threefold: (a) to dignify the purpose of the natural resource area and protect it from becoming an eyesore; (b) to dampen noise from operation of equipment; and (c) to absorb dust that might result from the operations.

Where it is determined by the Director that roadside landscaping is not practical because of soil and/or operation conditions, screening shall be provided in the form of a fence, wall or berm.

13. Notwithstanding the provisions of the underlying zoning district in which a Group 1 use may be located, all Group 1 special permit operations shall be subject to only the following performance standards:
 - A. No blasting shall be permitted except in conjunction with a permit for stone quarrying.
 - B. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the BZA may further limit such blasting vibration where, in its opinion, the density of population in the area warrants additional protection.
 - C. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.
 - D. The peak over-pressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130 decibels) at any occupied structure not on the subject property.
 - E. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property, 10dB (A) above the ambient in residential districts and/or 16dB (A) in commercial districts.

Group 2 - Interment Uses

Cemetery for human or animal interment; Columbarium and mausoleum when used in conjunction with a cemetery; Crematory, human or animal; Funeral home, if located in an already existing cemetery of more than 75 acres.

Pursuant to Section 8-203 in the Zoning Ordinance, in addition to the general standards, all Group 2 special permit uses shall satisfy the following standards:

1. All uses shall comply with the provisions set forth in Chapter 3 of Title 57 of the Code of Virginia.
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment in any facility for the disposal of the dead be made within fifty (50) feet of a street line.
3. All uses shall comply with the performance standards specified for the zoning district in which located.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 3 - Institutional Uses

Churches, chapels, temples, synagogues and other such places of worship; Convents, monasteries, seminaries and nunneries; Home child care facilities; Group housekeeping units; Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education.

Pursuant to Section 8-303 in the Zoning Ordinance, in addition to the general standards, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified elsewhere in the Zoning Ordinance, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, Provisions for Approving an Increase in Building Heights, in the Zoning Ordinance, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 4 - Community Uses

Community clubs, centers, meeting halls, swimming pools, archery ranges; swimming clubs and tennis clubs/courts; Marinas, docks and boating facilities of a private, nonprofit nature; Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas.

Pursuant to Section 8-403 in the Zoning Ordinance, in addition to the general standards, all Group 4 special permit uses shall satisfy the following standards:

1. Except for "Community clubs, centers, meeting halls, swimming pools, and archery ranges," all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility. Further, no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization where membership thereto is limited to residents of nearby residential areas.
2. All uses shall comply with the bulk regulations of the zoning district in which located.

3. All uses shall comply with the performance standards specified for the zoning district in which located; including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 5 - Commercial Recreation Uses

Billiard and pool halls; Bowling alleys; Commercial recreation parks, including mechanical or motorized amusement rides/devices; Commercial swimming pools, tennis courts and similar courts; Dance halls; Health clubs; Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses; Miniature golf courses; Skating facilities; Any other similar commercial recreation use.

Pursuant to Section 8-503 in the Zoning Ordinance, in addition to the general standards, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 6 - Outdoor Recreation Uses

Camp or recreation grounds; Riding and boarding stables; Skeet and trapshooting ranges; Veterinary hospitals, but only ancillary, riding or boarding stables; Zoological parks.

Pursuant to Section 8-603 in the Zoning Ordinance, in addition to the general standards, all Group 6 special permit uses shall satisfy the following standards:

1. All uses shall comply with the bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 7 - Older Structures

Antique shops; Art and craft galleries; Restaurants; Rooming houses; Summer theaters.

Pursuant to Section 8-703 in the Zoning Ordinance, in addition to the general standards, all Group 7 special permit uses shall satisfy the following standards:

1. No permit issued for a Group 7 use shall exceed five (5) years. Such permit may be extended in conformance with the provisions in Section 8-012 of the Zoning Ordinance for an extension of a special permit for not to exceed three (3) successive periods of one (1) year each. At the expiration of eight (8) years from the date the original permit was issued, the permit may be renewed in accordance with the provisions set forth in Section 8-014 of the Zoning Ordinance for the amendment of a special permit.
2. Group 7 uses shall be permitted only in those locations where the desirability and acceptability for continued residential use is judged to be less than in surrounding residential areas.
3. All uses shall be permitted only in residential structures, including normal residential accessory structures, existing prior to January 1, 1949. Alterations undertaken on structures shall be limited to those which will not alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.
4. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
5. All uses shall comply with the performance standards specified for the zoning district in which located.
6. No off-street parking or loading space shall be located in any required side or rear yard that abuts an R district. No more than three (3) parking spaces shall be located in any required front yard unless specifically permitted by the BZA on a finding that such parking provisions will not adversely affect the character of the surrounding residential area.
7. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance.

Group 8 - Temporary Uses

Temporary Uses Pursuant to Section 8-803 of the Zoning Ordinance, the Zoning Administrator may issue a temporary special permit for these uses. The application shall be on a different form which is available from the Zoning Permit Review Branch at 12055 Government Center Parkway, Suite 259 or by calling (703) 222-1082.

Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities; Construction material yards accessory to a construction project; Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project; Promotional activities of retail merchants; Subdivision and apartment sales and rental offices; Temporary dwellings or mobile homes; Temporary farmers' markets; Temporary mobile and land based telecommunication testing facility.

No additional standards are listed for Group 8 Uses.

Group 9 - Uses Requiring Special Regulations

Adult book stores and adult mini motion pictures theaters; Auction establishments; Bank teller machines, unmanned; Barbershops or beauty parlors as a home occupation; Commercial nudity establishments; Home professional offices; Open-air produce stands; Sawmilling of timber; Veterinary hospitals; Provisions for approving additional sign height or sign area in shopping centers; Approval of modification to minimum yard requirements for certain R-C lots; Approval of reduction to minimum yard requirements based on error in building location; Modification to the regulations on permitted extensions into minimum required yards; Modification to the limitations on the keeping of animals; Accessory dwelling units; Noise barriers.

Pursuant to Section 8-903 in the Zoning Ordinance, in addition to the general standards, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, in the Zoning Ordinance, or other appropriate submission as determined by the Director.

FEE SCHEDULE FOR SPECIAL PERMIT APPLICATIONS**All Fees shall be made payable to the County of Fairfax**

<u>Application for a Special Permit</u>	<u>Filing Fee</u>
Group 1 Extraction and Excavation Uses	\$3,416
Group 2 Interment Uses	\$3,416
Group 3 Institutional Uses	
Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school which has an enrollment of 100 or more students daily	\$2,300
All other uses \$ 230	
Group 4 Community Uses	\$ 851
Group 5 Commercial Recreation Uses	\$3,416
Group 6 Outdoor Recreation Uses	\$3,416
Group 7 Older Structures	\$3,416
Group 8 Temporary Uses	
All other uses approved by the Zoning Administrator	\$ 86
All other uses approved by the BZA	\$3,416
Group 9 Uses Requiring Special Regulation	
Open air produce stands	\$ 380
Accessory dwelling unit	\$ 92
Modification to minimum yard requirements for R-C Lots	\$ 40
Modification to the limitation on the keeping of animals	\$ 190
Error in building location	\$ 190
Modification to permitted extension regulations	\$ 190
All other uses \$3,416	
Amendment to a pending application for a special permit	10 percent of the prevailing application fee
Application for an extension of a special permit	1/8 prevailing fee
Application to amend a previously approved and currently valid special permit with no new construction	1/8 prevailing fee

Application to amend a previously approved and currently valid special permit with new construction

prevailing fee
for new application

Notes: Additional fees may be required for certain special permit uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses.

The fee for an amendment to a pending application for a special permit is only applicable when the amendment request results in a change in land area, change in use or other substantial revision.

If an application is withdrawn by the applicant, no fee or part thereof shall be refunded. If an application is administratively withdrawn by the Zoning Administrator, because it was determined that the application was accepted in error, there shall be a full refund of the filing fee.

If a rezoning, special exception or variance is needed in connection with a special permit, a separate application for the respective request is required.



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR SPECIAL PERMIT

APPLICATION NO. _____
(Assigned by Staff)

ZONING ORDINANCE SECTION UNDER WHICH APPLICATION IS FILED: _____

PROPOSED USE: _____

NAME OF APPLICANT(s): _____

POSTAL ADDRESS OF PROPERTY: _____

MAP DESCRIPTION: _____

Map No. Double Circle No. Single Circle No. Parcel(s)/Lot(s) No.

SUBDIVISION NAME: _____

TOTAL AREA (AC. OR SQ. FT.): _____

PRESENT ZONING: _____

SUPERVISOR DISTRICT: _____

The name(s) and addresses of owner(s) of record to shall provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Type or Print Name of Applicant or Agent _____

Signature of Applicant or Agent _____

Address _____

Telephone No. Home Work _____

Please provide name and telephone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

Date application received: _____ Application Fee Paid: \$ _____

Date application accepted: _____ Form SP (10/89)

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(b). The following constitutes a listing** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

_____	_____
_____	_____
_____	_____
_____	_____

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(c). The following constitutes a listing** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

**** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.**

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

- ☐ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a “Special Permit/Variance Attachment to Par. 2” form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) ☐ Applicant ☐ Applicant's Authorized Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this _____ day of _____, 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

[illegible]

(check if applicable)

[] There are more relationships to be listed and Par. 1(a) is continued further on a “Special Permit/Variance Attachment to Par. 1(a)” form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page ____ of ____

Special Permit/Variance Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

_____	_____
_____	_____
_____	_____

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

_____	_____
_____	_____
_____	_____

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

_____	_____
_____	_____
_____	_____

=====

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a “Special Permit/Variance Attachment to Par. 1(c)” form.

(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 2

DATE: _____
(enter date affidavit is notarized)

This image shows a full page of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(check if applicable)

[]

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a "Special Permit/Variance Attachment to Par. 2" form.

(county-assigned application number(s), to be entered by County Staff)

Page ____ of ____

Special Permit/Variance Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

This image shows a full page of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or general writing. There are no margins, text, or other markings on the page.

(check if applicable)

[]

There are more disclosures to the listed for Par. 3, and Par. 3 is continued further on a “Special Permit/Variance Attachment to Par. 3” form.

Special Permit Application Submission Package Elements

(Checklist to be used to ensure all submission elements
are included in application package)

_____ **Special Permit Plat**

_____ **Tax Map Section**

_____ **Photographs**

_____ **Affidavit**

_____ **Ownership Concurrence**

_____ **Statement of Justification**

_____ **Fee Payment**

I certify that the above items have been included in this special permit application package and that I have clearly labeled and cross-referenced all parts, and that, as such, my submission will be reviewed on a priority basis.

I recognize that should any of these applicable items not be included, this package will not be reviewed for acceptance until all items are submitted.

Signature

Date

Applicant/Agent